

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RUDOLPH GEORGE STANKO,

Defendant.

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8:06CR50

ORDER

Before the court are Filing Nos. 87 and 88.

Defendant moves this court to permit him to issue eight subpoenas for his trial. Filing No. 87. Defendant asks for a subpoena for Brian Dostol, Brenda Berg's probation officer; Robert Coupland, an attorney in Valentine, Nebraska; and John Freudenberg, the County Attorney in Sheridan County. The court will deny the request for subpoenas with regard to these people. The court sees no way that any of their testimony would be relevant or in some cases admissible in defendant's case. Defendant also asks for subpoenas for Keith Drinkwater, a Nebraska State Patrol officer in Chadron; Kathy Wellnerd, a receptionist at First Security Bank in Rushville, Nebraska; Terry Robbins, the Sheriff in Sheridan County; Brenda Berg, currently residing at the Saline County Jail in Wilber, Nebraska; and Catherine Stanko in Gordon, Nebraska. The court will grant the motion for subpoenas with regard to these requests, and the clerk of court will issue such subpoenas if defendant has provided sufficient information for the subpoenas. However, the court hereby warns defendant that if he subpoenas witnesses who do not have testimony that is truly relevant to this particular case, the court will enter appropriate

sanctions including but not limited to the costs for obtaining and having these witnesses testify in this case.

The court will issue a writ of habeas corpus for the attendance of Brenda Berg at defendant's trial on October 23, 2006. Filing No. 88.

IT IS ORDERED:

1. That defendant's motion, Filing No. 87 is granted in part and denied in part. The Clerk of Court will issue subpoenas as set forth herein.

2. Upon the application of the defendant, Filing No. 88, it is ordered that a Writ of Habeas Corpus be issued. The defendant's motion, Filing No. 88, is granted.

DATED this 11th day of August, 2006.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge